

AMENDED IN ASSEMBLY JUNE 23, 2011

AMENDED IN SENATE MARCH 9, 2011

SENATE BILL

No. 88

Introduced by Senator Yee

(Coauthors: Assembly Members Ammiano, Eng, Hagman, Ma, and
Pan, Wagner, and Williams)

January 10, 2011

An act to add Section 13211.7 to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 88, as amended, Yee. Elections: names of candidates.

Existing law requires the translation of ballots and ballot materials into languages other than English when specified circumstances exist.

This bill would require that, if a jurisdiction provides a translation of the candidates' alphabet-based names into a character-based language, such as Chinese, Japanese, or Korean, phonetic transliterations of the alphabet-based names of candidates be provided. The bill would also ~~permit a specified jurisdiction that provides translations of candidates' names to establish a process by which specified candidates may appeal the translation of his or her alphabet-based name in addition to procedures available under current law.~~ *require that if a candidate's name is to appear on the ballot in more than one jurisdiction in an election then all of those jurisdictions must use the same phonetic transliteration or character-based translation of the name.*

This bill would provide an exception for a candidate who has a character-based name by birth or has verifiably been known by a character-based name for at least 2 years to permit him or her to use that name on the ballot instead of a phonetic transliteration.

This bill would require that, if a jurisdiction provides separate ballots containing translations of the candidates' names in different languages, both the alphabet-based names and the translations of the candidates' names appear on the translated ballot.

This bill would also require a county to purchase voting equipment that permits compliance with this section as a part of any new purchase of voting equipment.

Because the bill would impose additional duties on local elections officials, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13211.7 is added to the Elections Code,
2 to read:
3 13211.7. (a) (1) In jurisdictions that are required to provide
4 a translation of ballot materials into a language other than English
5 pursuant to Section 9054 or 13209 of this code, or Section 203 (42
6 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec.
7 1973b(f)(4)) of the federal Voting Rights Act of 1965, the ballots
8 that provide a translation of the candidate's name shall contain a
9 phonetic transliteration of the candidate's name.
10 (2) This section applies only to character-based languages,
11 including Mandarin Chinese, Cantonese, Japanese, and Korean.
12 ~~(3) A jurisdiction that provides translations of candidates' names~~
13 ~~on the ballot may establish a local appeal process to challenge the~~
14 ~~translation of a candidate's name on the ballot, for a candidate~~
15 ~~running for office exclusively within that jurisdiction and who is~~
16 ~~not running for an office listed in paragraphs (1) to (5), inclusive,~~
17 ~~of subdivision (b) of Section 15375. This shall not preclude a~~
18 ~~candidate from exercising his or her rights under Section 13314.~~

1 (3) *If a candidate's name is to appear on the ballot in more than*
2 *one jurisdiction in an election, then all of those jurisdictions must*
3 *use the same phonetic transliteration or character-based*
4 *translation of the name.*

5 (4) (A) In a jurisdiction in which separate ballots containing
6 translations of the candidates' names are printed in different
7 languages, both the alphabet-based names and the translations of
8 the candidates' names, for candidates that have translated names,
9 shall appear on the translated ballot.

10 (B) If a jurisdiction is unable to comply with subparagraph (A)
11 due to limitations of its existing voting system, any new voting
12 system purchased by the jurisdiction after June 1, 2012, shall be
13 able to accommodate the requirements of subparagraph (A).

14 (b) Notwithstanding subdivision (a), if a candidate has a
15 character-based name by birth, that can be verified by birth
16 certificate or other valid identification, he or she may use that name
17 on the ballot instead of a phonetic transliteration. A candidate who
18 does not have a character-based name by birth, but who identifies
19 by a particular character-based name and can demonstrate that he
20 or she has been known and identified within the public sphere by
21 that name over the past two years, may use that name instead of a
22 phonetic transliteration.

23 SEC. 2. If the Commission on State Mandates determines that
24 this act contains costs mandated by the state, reimbursement to
25 local agencies and school districts for those costs shall be made
26 pursuant to Part 7 (commencing with Section 17500) of Division
27 4 of Title 2 of the Government Code.